

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-070-C – ORDER NO. 2000-0067
JANUARY 17, 2000

IN RE: Application of Atlantic Telephone Company, Inc.) ORDER ✓ <i>DS</i>
for a Certificate of Public Convenience and Necessity) GRANTING
to Operate as a Reseller of Interexchange) MOTION TO
Telecommunications Services within the State of) DISMISS
South Carolina.) APPLICATION

This matter is before the Public Service Commission of South Carolina (the “Commission”) on a Motion to Dismiss without Prejudice the Application of Atlantic Telephone Company, Inc. (“Atlantic”). The Motion to Dismiss was made by the Commission Staff at the hearing scheduled on the Application of Atlantic. For the reasons set forth below, the Commission grants the Motion to Dismiss without Prejudice.

On January 12, 2000, at 10:30 A.M., the Commission convened for the purpose of a hearing scheduled on the Application of Atlantic requesting a certificate of public convenience and necessity to operate as a reseller of interexchange telecommunications services within the State of South Carolina. No one appeared at the scheduled hearing on behalf of Atlantic. Florence P. Belser, Staff Counsel, moved in the open proceeding before the Commission to dismiss the Application without prejudice for failure of Atlantic to attend the designated hearing pursuant to 26 S.C.Reg. 103-868. Staff Counsel advised the Commission that the hearing on

Atlantic's Application had been rescheduled twice previously at the request of Atlantic.¹ Staff Counsel further advised the Commission that it was her information and belief that Staff members had contacted the designated contact for Atlantic and confirmed the hearing date.

26 S.C. Regs. 103-869 provides that "at the time and place set for hearing, if an applicant, petitioner, or complainant fails to attend personally or through an authorized representative without having obtained a continuance ..., the Commission may dismiss the petition, application, or complaint with or without prejudice ..."

Upon consideration of this matter, the Commission grants the Motion to Dismiss without Prejudice. Atlantic failed to attend the hearing and failed to seek a continuance prior to the hearing. Therefore, the Commission finds sufficient cause to justify the dismissal of the application.

IT IS THEREFORE ORDERED THAT:

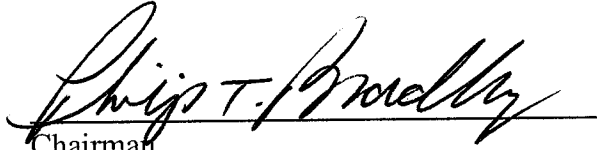
1. The Application of Atlantic Telephone Company, Inc. requesting a certificate of public convenience and necessity to operate as a reseller of interexchange telecommunications services within the State of South Carolina is dismissed without prejudice.

2. As Atlantic Telephone Company, Inc. does not have authority to operate as a reseller or facilities-based provider of telecommunications services within the State of South Carolina, Atlantic Telephone Company, Inc. is hereby cautioned that it should not provide any telecommunications services within the State of South Carolina.

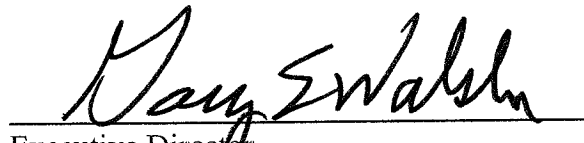
¹ Docket File No. 1999-070-C contains the records pertaining to the Application of Atlantic. The Docket File contains a Notice of Hearing dated May 7, 1999, indicating that a hearing was scheduled for July 7, 1999. On July 6, 1999, the Commission received a letter from Atlantic requesting that the hearing set for July 7, 1999, be rescheduled. A Notice of Rescheduled Hearing dated July 12, 1999, was issued and provided another hearing date of October 6, 1999. By letter dated September 30, 1999, Atlantic requested a continuance of the October 6, 1999, hearing. On October 20, 1999, Staff issued a Notice of Rescheduled Hearing rescheduling the hearing for January 12, 2000.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)